

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KEITH ROBERTS,

Plaintiff,

v.

Case No. 11-C-971

MICHAEL ASTRUE,

Defendants.

ORDER

Plaintiff has filed an action seeking review of the decision of the Commissioner of Social Security. Ordinarily, a plaintiff must pay a statutory filing fee of \$350 to bring an action in federal court. 28 U.S.C. § 1914(a). Plaintiff, however, has requested leave to proceed *in forma pauperis*, pursuant to 28 U.S.C. § 1915.

Section 1915 is meant to ensure indigent litigants meaningful access to federal courts. *Nietzke v. Williams*, 490 U.S. 319, 324 (1989). An indigent plaintiff may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1). Plaintiff filed the required affidavit of indigence. Upon review of that affidavit, it appears that plaintiff could pay the \$350 filing fee. He lists spousal income and relatively low expenses, suggesting that he has monthly disposable income significantly in excess of the filing fee.

Accordingly, the motion to proceed *in forma pauperis* is **DENIED**. The filing fee must be paid within 14 days of the date of this order or the case will be subject to dismissal. In the alternative, if Plaintiff has failed to properly list the household expenses, he may file an amended affidavit of indigency within the time allowed.

SO ORDERED this 21st day of October, 2011.

s/ William C. Griesbach
William C. Griesbach
United States District Judge